

Nigeria: Shari'ah - Surmounting the Tall Obstacles

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Disturbed by the impediments to the smooth implementation of Shari'ah in Nigeria, the Centre for Promotion of Shari'ah (CPS) organised a three-day workshop in Kano recently for experts to brainstorm on the way forward which, they believe, prominently comprises reconsideration of the legal system in the proposed constitutional review.

From Thursday, February 26 to Saturday, 28, 2009, stakeholders on Shari'ah implementation converged on Kano to devise ways of surmounting the obstacles obstructing the execution of the legal system in the country. Governors, Emirs, Jurists, Academicians and other dignitaries besieged the Murtala Muhammad Library Complex, Kano, venue of the event, to brainstorm on the way forward for Shari'ah in Nigeria.

When Ahmad Sani Yariman Bakura-led Zamfara State government reintroduced the practice of the Shari'ah legal system in 2000, 11 other states followed one after the other. In principle, there are 12 states now practicing the legal system, all in Northern Nigeria. But the implementation of the Shari'ah, experts say, **has slowed down in most of these states**. This development, according to the scholars at the workshop, calls for re-strategising on the way forward for the Muslims' way of life, the Shari'ah.

The reintroduction of the legal system by the Zamfara government in the year 2000 led to the formation of National Council for the Defence and Propagation of Shari'ah. The council has now metamorphosed to Centre for Promotion of Shari'ah (CPS) and it wants to see the practice of Shari'ah in earnest in Nigeria.

The disturbing trend of **stagnation** of the legal system in some of the states that have made a formal declaration of the Shari'ah was one of the issues which the CPS's second national conference centred on with the aim of finding solutions militating against the implementation of the legal system in Nigeria.

By virtue of his status as the first person to reintroduce the legal system, the former governor of Zamfara state, now a Senator, Ahmad Sani Yarima, was the chairman of the occasion. Premising from the obstacles, which his administration faced, Yarima stressed the needs for the sustenance of the legal system, at least in the 12 states that have formerly implemented the Shari'ah. Yarima averred that in so far as Muslims exist in Nigeria, the legal system can never fizzle out. What is only needed to be done, Yarima said, is to look at the loopholes and find their remedy.

Yarima explained that for Shari'ah to be practiced effectively in the states of the federation, there is the need for each state to have an independent constitution. According to him, constitutional obstacles are some of the problems of Shari'ah in Nigeria.

He said: "Democracy is a game of number. If we are to practice democracy vis-à-vis the Shari'ah legal system, there is the need for us to have individual states' constitution that would be drafted

and supported by the people of every state. When we have that in place, states that want to practice Shari'ah can go ahead and do it holistically without any constraint."

Senator Yerima explained that Shari'ah implementation is a collective responsibility of the entire Nigerian Muslim Umma. He said there is a strong need for Muslims to live according to the provisions of the Shari'ah legal system, saying that the struggle for the implementation and sustenance of Shari'ah requires unity of the Umma.

Yerima said although some internal and external forces are threatening the smooth implementation of the legal system, Shari'ah has come to stay in Nigeria, especially in those states that have already implemented the legal system.

Suggesting the way out for Shari'ah in Nigeria in his own address, a justice of the Supreme Court of Nigeria, Justice Ibrahim Tanko Muhammad, represented by Barrister Muzammil Sani Hanga, said he has accepted to make contribution on the way forward for Shari'ah implementation because the plight of millions of ordinary Nigerian Muslims is involved.

Justice Muhammad added that ordinary Nigerian Muslims struggled, suffered and later celebrated the subsequent passage of legislation ratifying the resolution to implement Shari'ah in various states. Hence they become major stakeholders.

"The question I always ask, having seen the enthusiasm of Nigerian Muslims on Shari'ah is: What are these desperate people looking for and why are they concerned and passionate about something as heavy as Shari'ah? To be fair, a number of them agitated for the Shari'ah out of pure piety, and fully aware of the sanctimonious rewards of doing that. Others who may not be as pious or innocent joined the struggle for clearly different wets of reasons, even though some are fully aware that they may be among the first to fall under the censure of the law, if it is implemented," Justice Muhammad remarked.

Justice Muhammad stressed that if Shari'ah is to be a success in Nigeria, there is a strong need for the implementation agencies to tackle the threat of ignorance, corruption and lawlessness. He said the Umma must come together to understand the vital socio-economic adjustments that need to be made in order to change the crass ignorance and hopelessness that poor people face, which make it difficult for majority of Muslims to live a life of piety while maintaining their decency and that of their children.

He said the problem of Shari'ah in Nigeria is an internal one, as Shari'ah agencies ought to be the voice of the weak - the orphans, the handicapped, the aged and the women whose situation, according to Justice Muhammad, constitute the biggest challenge to Shari'ah implementation.

"We must also be aware that when the Shari'ah fails its test in the courts, it is because the agencies have failed to appreciate what little, though crucial, adjustments needed to be made in order for it to work. We should not be ashamed to admit that there are lapses in this area and they need to be corrected. It is alright for people to link the Shari'ah with the courts and this is why I am urging for a concerted effort to make the courts to perform their function properly. If they do so, the cause for justice will be served and the forces of revisionism will be suppressed for good," Justice Muhammad averred.

Justice Muhammad therefore emphasized that for Shari'ah to continue to record success in Nigeria, problems of poverty, ignorance and other socio-economic vices must be addressed by the implementing agencies, at least to the bearable minimum.

Earlier, in his welcome address, the National President for the CPS, Imam Aliyu Ibrahim Al-Tukri, said with a decade of Shari'ah implementation in Nigeria, Muslims in the country have every cause to celebrate and, at the same time, address some of the problem areas.

Al-Tukri said some of the problems facing Shari'ah in Nigeria are non-execution of judgements on grave offences, pressure and negative campaigns from different groups, misconception and mischief about Shari'ah. He said the legal battle between Kano State and the federal government on the legality or otherwise of establishing the Hisbah (Shari'ah implementation guards) is a vivid example of attempt to frustrate Shari'ah implementation in Nigeria.

For Malam Ibrahim Shekarau, Kano State governor, the implementation of Shari'ah in some states of the north has given politics a higher meaning. The need to sustain the system, the governor said, cannot be overemphasised.

"The Yerima declaration of Shari'ah in Zamfara State and the subsequent legislation and adoption of the Shari'ah legal system in majority of the northern states have given higher meaning and direction to politics," Shekarau said.

The governor explained that while Muslims in Northern Nigeria are striving hard to see to the success of Shari'ah in the region, the plight of their counterparts in South Nigeria should also come to focus.

Shekarau added: "While Muslims in the north are struggling and pushing for further expansion of Shari'ah in their respective states, those in the south have been denied of the right to have their marriages, divorces, inheritance and other social activities to be officially conducted, regulated and resolved in accordance with the provision of Shari'ah law. This is unfair and unacceptable and the kinds of this forum must find a peaceful way out for our brothers in the south, also. We all have a role to play to this predicament of our southern brothers."

The governor called on Muslims in Nigeria to uphold the Shari'ah legal system while he lamented the fact that **there are lapses in the implementation process of the Shari'ah. But the lapses, according to him, are far below the successes.**

The CPS conference was **themed; 'Shari'ah implementation in Nigeria : The Journey so far and the Challenges.'** Eminent scholars and stakeholders in the implementation of Shari'ah presented nine papers. The papers examined such areas as structure, political and administrative constraints, roles of pressure groups, Hisbah and the Nigeria police in the implementation of Shari'ah in Nigeria .

At the end of the conference, the participants agreed that for Shari'ah to work effectively in Nigeria, the problems of political will, constitutional constraint, disparity in the approaches adopted by the Shari'ah implementing states, attitudinal problems of some Muslims towards Shari'ah, among others, must be addressed.

The conference therefore called for a joint effort by the Shari'ah implementing states to ensure that concerned Muslims reflected, and impediment to Shari'ah implementation are removed in the proposed constitutional review, among many other recommendations.